

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

Derico Thompson, #234651

Plaintiff,

Case No: 2:20-cv-00158

District Judge: Robert J. Jonker

Magistrate Judge: Maarten Vermaat

v.

Corizon, Inc., et al.

Defendants.

Margolis & Cross
Ian T. Cross (P83367)
Attorney for Plaintiff
214 S. Main St., Suite 200
N.P.
Ann Arbor, MI 48104
(734) 994-9590
ian@LawA2.com

Chapman LawGroup
Devlin K. Scarber (P64532)
Attorney for Corizon Health, Inc.
and Wendy Jamros,
1441 W. Long Lake Rd., Suite 310
Troy, MI 48098
(248) 644-6326
dscarber@chapmanlawgroup.com

Derico Thompson, #234651
Kinross Correctional Facility
4533 W. Industrial Park Drive
Kincheloe, MI 49788

DECLARATION OF DERICO THOMPSON

Pursuant to 28 U.S.C. 1746, I hereby declare as follows:

1. My name is Derico Thompson. I am a prisoner in the Michigan Department of Corrections (MDOC), housed at the Kinross Correctional Facility, Kincheloe, Michigan.


2. On or about August 27, 2019, I injured my back while exercising on a row machine. I submitted a health care request on or about September 8, 2019, and was seen by Health Services on September 10, 2019. At that time, I informed the nurse how I had injured my back. That I was barely able to walk, and that the pain had only gotten worse since the time of the injury. My legs had a "tingling" sensation and would frequently go numb. I was given a hot water bottle and Ibuprofen.
3. On September 13, 2019, I reported to Health Services that the Ibuprofen wasn't working for my pain and that the pain had gotten worse since my last visit. The pain was now almost unbearable. I had a constant sharp, throbbing, pain down my right leg.
4. On September 17, 2019, I was seen again and informed the provider that the medication given after my visit on September 13th, only helped a little with the pain in my leg, not in my back. I was told to continue with the medication, rest, and stretch.
5. On September 25, 2019, I was examined by Nurse Practitioner Jamros. I informed her that my condition was not improving. That the sharp throbbing pain I had in my right leg was now present in my left leg. Even with the medication, I was still in constant pain. It was becoming harder and harder to sit or stand for periods at a time. N.P. Jamros informed me she would order an x-ray, and instructed me to keep taking my medication, stretch, and exercise.
6. On October 3, 2019, I was seen by N.P. Jamros, and informed of the x-ray findings from September. NP Jamros reported that I had no fractures but "maybe" arthritis. I informed N.P. Jamros that I knew my pain was a result of my injury and not arthritis. She responded that she was recommending physical therapy, and "possibly" an MRI if I didn't improve. I expressed doubt that things would improve with physical therapy, N.P. Jamros stated, "it is customary that Corizon must be absolutely certain that an MRI is necessary before allocating funds for any type of treatment."
7. On or about November 19, 2019, I had one session of physical therapy and was given a sheet of stretches to take back and perform in my cell. Physical therapy did not improve my condition nor did it alleviate my chronic pain.
8. On or about March 3, 2020, an MRI of my spine was done at War Memorial Hospital.

9. On or about March 23, 2020, N.P. Jamros informed me of my MRI findings, that L4 -L5 discs were “crushed” and “pressing” on the nerves around my spinal cord. She informed me that the request for me to see a neurosurgeon was denied.
10. On July 2, 2020, I reported to Health Services and was seen by the nurse for bowel incontinence and pain.
11. On July 6, 2020, I was seen again for bowel incontinence by the nurse.
12. On July 15, 2020, I spoke with N.P. Jamros via telephone about my incontinence. I explained to her that I was unable to control my bowels, and unable to sleep because of the pain. That my leg numbness was causing me to lose balance. I told her I needed to see a doctor because I can't continue to “deal” with it any longer. N.P. Jamros was playfully dismissive at first, telling me, “you can handle it, you’re a big boy.” I reminded N.P. Jamros that I was the one living in constant pain, not her. I reiterate my request to see a doctor. N.P. Jamros, shouted, before hanging up the phone, “You can stop complaining and visiting health care. We have told you time and time again, Corizon is not going to authorize surgery on your back. So either stop faking or deal with it!”
13. On August 3, 2020, I had an EMG done and was told at that time I had nerve damage.
14. On September 22, 2020, I saw neurosurgeon, Dr. Paul LaHaye. He took my medical history, examined me, and concluded that I required surgery. He explained to me what the surgery entailed, the risks associated with it, and why he felt it was necessary.
15. From September 2020 until May 2021, my condition did not improve, and I was of the belief that I would be having surgery.
16. On May 3, 2021, I left for what I thought was my scheduled surgery, and was taken for a second surgical consult, with a different doctor. This consultation was nothing like my previous one. The doctor asked me a few questions, then left to “review” my medical records. When he returned, he stated that he wouldn’t recommend surgery, that “there is other stuff they can do for you.”
The entire encounter lasted approximately 5 minutes from start to finish. He never physically examined me or explained any alternatives to surgery.

17. On June 7, 2021, I fell in my cell after a shooting pain caused my legs to give out. I was taken to health care in a wheelchair. Following this incident I was issued a wheelchair detail.
18. To date, my condition has not improved. I live in constant pain, and suffer with bowel incontinence 1-2 per week. When I sit or stand for very long, my legs go numb and I'm prone to falls. Because of this I often have to skip going to breakfast and lunch. My quality of life has diminished greatly as a result of my condition and the unrelenting pain it causes me.

I, declare, under penalty of perjury that the foregoing is true and correct.

Dated: 1-3-2022


Derico Thompson